IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17067 of 2004

Between:

1 Midde Yohan, S/o Pedda Ranganna (OP NO. 97/2000, AS No. 2457/01) R/o

Thudumuladinne Village, Koilakuntala Mandal, Kurnool District
2 Uppan Pedda Pullanna S/o Venkatappa (OP NO. 99/2000, AS No. 2393/01)

R/o Thudumuladinne Village, Koilakuntala Mandal, Kurnool District
3 Mungala Venkata Siva Reddy S/o Venkata Reddy (OP NO. 100/2000, As. No.

2469/01) Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah District
4 Peram Sunki Reddy S/o Nagi Reddy (OP NO. 101/2000, As. No. 2473/01)

Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah District
5 P. Nagamma W/o Sarabha Reddy (OP NO. 102/2000, As. No. 2470/01) Konda

Sunkesula Village, Jammalamadugu TQ, Cuddapah District
6 Anantha Narasimha Reddy S/o Rama Thimma Reddy
(OP NO. 103/2000, As. No. 2493/01) Konda Sunkesula Village,

Jammalamadugu TQ, Cuddapah District
7 Yerukulagari Nagireddy S/o Chenna Reddy (OP No. 104/2000, AS No.

2467/01) R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah

District
8 Chitteboyina Kondamma W/o Laxmanna (OP No. 105/2000, AS No. 2575/01)

R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah District
9 Bathula Papi reddy S/o Subba Reddy, (OP No. 106/2000, AS No. 2472/01)

R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah District

10 Bekkam Balasubbamma W/o Venkgala Reddy (OP No. 107/2000, AS No.

2448/01) R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah

District
11 Y. Konachenna Reddy S/o Kesava Reddy (OP No. 108/2000, AS No. 2464/01)

R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah District
12 Peram Thimma Reddy
(OP No. 109/2000, AS No. 2487/01) R/o Konda Sunkesula Village,

Jammalamadugu TQ, Cuddapah District
13 T. Dasthagiri Reddy S/o Eswara Reddy (OP NO. 110/2000, AS NO. 2451/01)

R/o Thudumuladinne Village, Koilakuntla Mandal, Kurnool District
14 Uppari Chinna Madduleti S/o Subbanna, (OP NO. 111/2000, AS NO. 2452/01)

R/o Thudumuladinne Village, Koilakuntla Mandal, Kurnool District
15 Kypa Rama Subba Reddy S/o Pulla Reddy (OP NO. 112/2000, AS NO.

2468/01) R/o Thudumuladinne Village, Koilakuntla Mandal, Kurnool District

16 M. Venkata Ramulu S/o Chinna Obenna (OP NO. 113/2000, AS NO.

2540/01) R/o Thudumuladinne Village, Koilakuntla Mandal, Kurnool

District
17 Ramireddy Laxmi Reddy S/o Konda Reddy (OP No. 114/2000, AS No.

2492/01) R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah

District
18 Bijjam Ramasubba Reddy S/o Konda Reddy (OP No. 115/2000, AS No.

2425/01) R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah

District
19 Bijjam Bala Subba Reddy S/oKonda Reddy (OP No. 116/2000, AS No.

2465/01) R/o Konda Sunkesula Village, Jammalamadugu TQ, Cuddapah

District

..... PETITIONERS

AND

1 The Revenue Divisonal Officer-cum Land Acquisition Officer, Nandyal
2 The Income Tax Officer, Ward No.1 Nandyal Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate WRit or order or direction, directing the respondents herein not to deduct any amount from the compensation amount payable to the Writ petitioners in pursuance of the conditional stay order passed by this Hon'ble High Court in the batch of appeals (as shown in the cause title) towards income tax and to pay the said compensation amount without any deductions to the petitioners forthwith.

Counsel for the Petitioners : MR.B.D.MAHESWARA REDDY

Counsel for the Respondent No.1 : GP FOR REVENUE

Counsel for the Respondent No.2:The Spl.G.P for Taxes

The Court at the admission stage, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

The grievance of the petitioners is that Tax is being deducted at source on the amount of compensation received in terms of Land Acquisition Act. The learned Counsel for respondents also concedes that the matter is covered by an earlier judgment of this Court in Writ Petition No.3934 of 1989, dated 13.12.1995. Following the same judgment, we allow the Writ Petition. However, the petitioners shall file Form 15 H before the respondent No.1.

Writ Petition is accordingly allowed. No costs.

(BILAL NAZKI, J)

22nd September, 2004.

(S.ANANDA REDDY, J)

ajr

To

1 The Revenue Divisonal Officer-cum Land Acquisition Officer, Nandyal

(along with copy of judgment dt.13.12.1995 in W.P.No.3934 of 1989)

2 The Income Tax Officer, Ward No.1 Nandyal Kurnool District

(along with copy of judgment dt.13.12.1995 in W.P.No.3934 of 1989)

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings,

Hyderabad (O.U.T).

4 Two C.Cs to Spl.G.P. for Taxes, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.